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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Marlaina Smith,

CASE NO.: 2:22-cv-02041

Plaintiff,

v.

Trans Union, LLC; Equifax Information  
Services, LLC; Experian Information  
Solutions, Inc.; JPMorgan Chase Bank,  
N.A.; Citibank, N. A.; Bank of America,  
N.A.; U.S. Department of Education; and  
Navient Solutions, LLC,

Defendants.

**Stipulation and Proposed Order**  
**Dismissing U.S. Department of Education & Allowing Plaintiff to File First Amended**  
**Complaint**

Plaintiff Marlaina Smith and defendants Equifax Information Services LLC; JPMorgan Chase Bank, N.A.; Citibank, N.A.; Bank of America, N.A.; and Navient Solutions, LLC (collectively as “the parties”) stipulate and agree as follows:

First, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties stipulate that Defendant U.S. Department of Education be dismissed from this action with prejudice and without costs or attorneys’ fees to any party.

Second, pursuant to Fed. R. Civ. P. 15(a)(2), and in the interest of judicial economy, Plaintiff may file a First Amended Complaint (“FAC”) naming Maximus Education LLC dba Aidvantage in place of the U.S. Department of Education. A copy of the proposed FAC is attached

as **Exhibit A**. The parties further stipulate that should the Court grant the parties' stipulation, Plaintiff shall file the FAC within 10 days, unless the Court orders otherwise.

Third, except for the U.S. Department of Education's dismissal from this action, the parties agree that nothing in this stipulation shall be deemed to be a waiver of any claim or defense by any party.

**Dated:** January 5, 2023.

<b>FREEDOM LAW FIRM</b>  By: <u>/s/ Gerardo Avalos</u> George Haines, Esq. Nevada Bar No. 9411 Gerardo Avalos, Esq. Nevada Bar No. 15171 8985 S. Eastern Ave, Suite 350 Las Vegas, Nevada 89123 <i>Counsel for Plaintiff Heather Farrell</i>	<b>CLARK HILL PLLC</b>  By: <u>/s/ Gia N. Marina</u> Gia N. Marina, Esq. 3800 Howard Hughes Pkwy, Suite 500 Las Vegas, NV 89169 <i>Counsel for Defendant Equifax Information Services LLC</i>
<b>BALLARD SPAHR LLP</b>  By: <u>/s/ Madeleine Coles</u> Joel E. Tasca, Esq. Madeleine Coles, Esq. Festival Plaza Drive, Suite 900 Las Vegas, Nevada 89135 <i>Counsel for Defendants JPMorgan Chase Bank, N.A. &amp; Citibank, N.A.</i>	<b>WRIGHT, FINLAY &amp; ZAK, LLP</b>  By: <u>/s/ Jory C. Garabedian</u> Darren T. Brenner, Esq. Jory C. Garabedian, Esq. 7785 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 <i>Counsel for Defendant Bank of America, N.A.</i>
<b>SPENCER FANE LLP</b>  By: <u>/s/ Jessica E. Chong</u> Jessica E. Chong, Esq. 300 S. Fourth Street, Suite 950 Las Vegas, NV 89101 <i>Counsel for Defendant Navient Solutions, LLC</i>	

**ORDER**

Based on the above stipulation between the parties, and there being good cause, **IT IS HEREBY ORDERED** that:

1. The U.S. Department of Education is dismissed from this action with prejudice and without costs or attorney's fees to any party.
2. Plaintiff Marlaina Smith may file the proposed First Amended Complaint attached to the parties' Stipulation, (ECF No. 31), as **Exhibit A** within 10 days of this Order.

Dated this 10 day of January, 2023.

  
Gloria M. Navarro, District Judge  
UNITED STATES DISTRICT COURT